

Members

Rep. Kathy Richardson, Chairperson
Rep. Robert Behning
Rep. John Bartlett
Rep. Phil GiaQuinta
Sen. Sue Landske
Sen. Randall Head
Sen. Timothy Lanane
Sen. James Arnold



CENSUS DATA ADVISORY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Robert Rudolph, Attorney for the Committee
Chris Baker, Fiscal Analyst for the Committee

Authority: IC 2-5-19

MEETING MINUTES¹

Meeting Date: September 20, 2012
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Kathy Richardson, Chairperson; Rep. John Bartlett; Sen. Sue Landske; Sen. James Arnold.

Members Absent: Rep. Robert Behning; Rep. Phil GiaQuinta; Sen. Randall Head; Sen. Timothy Lanane.

(1) Call to Order. Despite a quorum not being present, the Chair, Representative Richardson, called the meeting to order to hear testimony at 1:45 p.m.

(2) Introduction of Members. The Chair introduced Committee members who were present.

(3) Consideration and Discussion of PD 3144. The Chair recognized Mr. Brad King, Republican Co-Executive Director of the Indiana Election Division, to present Preliminary Draft (PD) 3144.²

1. These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

2. PD 3144 can be found at the Committee's website at:
<http://www.in.gov/legislative/interim/committee/cdac.html>

Mr. King outlined the draft, telling the Committee that it made changes in Indiana law relating to military and overseas voters, school board elections, and voting systems standards (primarily to remove obsolete references). Mr. King said that the draft also made several miscellaneous technical changes.

Senator Landske asked why the effective date of SECTION 61 would be retroactive to January 1, 2013. Mr. King explained that SECTION 61 was related to the recent statutory change that moved the time of all school board elections to be at the time of general elections. He said that the beginning of the term of office for elected school board members was not uniform. School board members who were previously elected at a general election would typically take office on January 1 following their election, while those elected at the time of the primary election would take office July 1 following their elections. The intent of SECTION 61 was to set a uniform date of January 1 following the election as the time that a school board member would take office to correspond to the recent change requiring all elected school board members to be elected at the time of a general election. This change would eliminate a possible six month gap between the time that school board members, who previously were elected at the time of the primary election, were elected and the day they take office. The effective date of SECTION 61 is proposed to be January 1, 2013 to coincide with the proposed uniform date that elected school board members would thereafter take office.

The Chair recognized Trent Deckard, Democratic Co-Executive Director of the Indiana Election Division, for comments about PD 3144. Mr. Deckard said that there was some fine-tuning to be done on parts of the draft, but that overall he supported the changes proposed. As areas where he thought that more work needed to be done, Mr. Deckard mentioned SECTION 2 relating to the validity of electronic signatures, SECTION 17 relating to the determination of party affiliation in primary elections, and SECTION 23 relating to primary elections. He also said that he wanted to make certain that changes relating to voting systems would not result in increased county election expenditures.

(4) Testimony from Interested Persons.

Marshall Gibson, with the Indiana Friends, described a circumstance where a candidate's campaign literature was taken from a polling place and destroyed. Mr. Gibson asked whether PD 3144 addressed situations such as this. After some questions from Committee members to clarify the scenario described by Mr. Gibson, the Chair said that the draft did not deal with such a situation because theft and destruction of campaign literature are already crimes. A candidate's redress must come from the county prosecutor who could file criminal charges if warranted.

Tracey Pike identified herself as the former Jennings County Republican Party Chairman. Ms. Pike said she would like the General Assembly to enact stricter guidelines for absentee voting. Ms. Pike said that the county Democratic Party has had a practice of holding absentee ballot applications until the last minute so as to inundate the county election board so that the applications could not be carefully scrutinized. She said that during the 2010 election, more than 100 absentee ballot applications were submitted past the deadline specified in Indiana law for the applications to have been delivered to the county election board.

Ms. Pike related the story of Marine Corporal Benjamin Cook who had been stationed in California during the 2010 election. An absentee ballot application was submitted in Cpl. Cook's name and an absentee ballot, ostensibly executed by him, was delivered to a Jennings County precinct to be voted. The Jennings County Republican party challenged the ballot because Corporal Cook had submitted an affidavit stating that he had never applied for an absentee ballot and had not cast a ballot at the 2010 election. After an investigation was conducted, three individuals were indicted for vote fraud.

In response to the Chair's question as to whether she had any specific recommendations, Ms. Pike said she did not; generally she thought that the process for obtaining an absentee ballot should be stricter without disenfranchising voters. She noted that there is no voter ID requirement for absentee ballots.

Representative Bartlett made two observations: (1) The fact that indictments were obtained shows that current law works. (2) No law can completely guard against those who have the criminal intent to evade it.

Ms. Pike responded that she nonetheless thought that still more could be done to prevent vote fraud. She noted that at the 2010 election, ten absentee ballots were mailed to the same address. She said that perhaps more could be done at the time of voter registration; Corporal Cook had not even registered to vote, yet an absentee ballot application and an absentee ballot were submitted in his name. She said that there is also a great disincentive for individuals who are aware of fraud to report it and see it prosecuted. Ms. Pike said that as a result of her actions pursuing the vote fraud cases, local reaction resulted in her husband's business failing. Resulting social pressure also caused Ms. Pike and her husband to move from Jennings County.

Danielle Coulter, representing the Association of Indiana Counties, said that her organization considers current controls adequate so as to prevent fraud without disenfranchising voters. She said that vote fraud is being discovered and dealt with under current law.

The Chair said that for want of some specific suggestions on the subject, the Committee would currently make no recommendation on this subject. The Chair heard no objection.

(5) Other Committee Business. There was no other business to come before the Committee.

(6) Select next meeting date. The Chair announced that the next meeting would be Thursday, October 25 at 10:30 a.m. at a location to be announced in the meeting notice.

(7) Adjournment. The Chair adjourned the meeting at 2:15 p.m.